

REMARKS AND ARGUMENTS

Amendments to the Drawings

Applicant amended Figure 1 so it will show the panels being attached to the doors rather than the vehicle body. One skilled in the art would have recognized that the inadvertent error in Figure 1 would prevent the doors from opening. Furthermore, both page 4, lines 10-12 of the description and Figure 2 describe the panels 12 and 14 as being attached to doors 16 and 18 rather than the vehicle body. This typographical error occurred without any deceptive intent on behalf of the applicant.

Examiner objected to the lack of a drawing for claim 3 which describes panels having different horizontal widths such that one panel overlaps an opposite door when the doors are closed. Applicant wishes to add Figures 3 and 4 which show this simple modification as described in the original application. The only difference between Figures 1 and 3 is the widths of the panels. The only difference between Figures 2 and 4 is the widths of the panels 12 and 14.

Examiner objected to the lack of a drawing for claim 7 which describes a system where the panels are attached to the door with brackets rather than other means. Applicant wishes to add Figures 5 and 6 which show this simple modification as described in the original application. The only difference between Figures 1 and 5 is the brackets on the doors. The only difference between Figures 2 and 6 is the brackets on the doors.

Examiner objected to the lack of a drawing for claim 14 which describes a system where the panels are removably mounted in a frame. Applicant wishes to remove claim 14 for reasons other than those stated by the examiner.

Examiner objected to the lack of a drawing for claim 18 which describes a system where the panels are attached to the vehicle as well as the door. Applicant wishes to add Figures 7 and

8 which show this simple modification as described in the original application. The first difference between Figures 1 and 7 is the addition of hinges on the body of the vehicle. The only difference between Figures 2 and 8 is the addition of hinges on the body of the vehicle.

Examiner objected to the lack of a drawing for claim 19 which describes a system where the panels are cutout for accommodating a locking mechanism. Applicant wishes to add Figure 9 which shows this simple modification as described in the original application. The difference between Figures 1 and 9 is the removal of portions of the panels to accommodate the locking mechanism.

Since the invention had been sufficiently described in written description so as to allow one skilled in the art to understand and use the invention, these drawings do not contain any new matter and were only added to comply with §1.83 of the MPEP. A further explanation of why these drawings should not be considered as new matter is further discussed in the next section.

Claim Rejections under 35 USC § 112

Examiner objected to claims 3, 7, 14, 18 and 19 for failing to comply with the written description requirement found in 35 USC §112. Claim 14 has been cancelled for reasons other than those stated by the examiner. However, applicant's description shows that he had possession of the rest of the claimed subject matter at the time of filing.

Applicant described claim 3 in the written description on page 6, lines 8, 9, and 10: "It should be appreciated, however, that other embodiments are (not shown) are contemplated in which a portion of one panel comprises more than one half the total area of the sign." Applicant described claim 7 in the written description on page 5, lines 12, 13, and 14: "Mechanical attachments, any suitable fastener, are then positioned along the inner edges 15a and 15b of the panels, and attach the panels to the rear doors." Applicant described claim 18 in the written

description on page 5, lines 9 and 10: “Alternative embodiments are contemplated (not shown) in which the panels are primarily attached to the vehicle or trailer body surrounding the doors”. Applicant described claim 19 in the written description on page 6, lines 21, 22, and 23: “An alternative embodiment (not shown) includes a panel formed having a semi-circular or alternatively shaped “cutout” region for accommodating the sliding bar 30.”

The above sections of the written description clearly provide sufficient enabling disclosure for one skilled in the art to understand and use the invention; however, in light of the examiner’s objections, the applicant has amended the drawings to better comply with §1.83 of the MPEP and further detail a few examples of these embodiments. Consequently, the written description has been amended to show which figures exemplify which embodiments. Since the subject matter was fully described in detail in the specification, these new figures do not contain any new matter.

Claim Rejections under 35 USC § 102

Examiner objected to claims 1, 4, 9-12, and 15-17 as anticipated by Norfleet under 35 USC §102(b). Claims 1, 4, 11, 12, 16, and 17 have been cancelled. Claims 9, 10, and 15 have been amended.

Applicant’s claims 9 and 10 are now dependant on claim 2 rather than claim 1. The amended claim 2 incorporated all of the restrictions in the original claims 1 and 2 and added a further restriction that the panels be substantially aligned in the same plane. Applicant’s amended claim 2 differs from Norfleet in several ways. Norfleet disclosed an “advertising display frame” whereas applicant’s design discloses panels. Applicant’s invention is cheaper, lighter, quieter, and requires less assembly time. Applicant’s invention has fewer components. Applicant’s invention requires two panels, a few connectors, and a few spacers while Norfleet requires two

panels, a complex frame with front, back, right, left, and bottom containment means, a member to keep the frames edges parallel, some connectors, and some spacers. Norfleet's multi-part system creates much more noise than applicant's invention even if you add the further components in Norfleet's alternative embodiments. The simplification with lower production and attachment costs is part of the genius of applicant's invention. Norfleet only shows applicant is fulfilling a long felt, but unresolved need.

Amended Claim 2 further differs from Norfleet in that the purpose of the spacing member in Norfleet was "to angulate the sections with respect to each other." Applicant's design creates a more unitary display than Norfleet by requiring both halves to be in substantially the same plane whereas Norfleet requires the halves to be in different planes. Applicant's invention is an improvement over Norfleet in that Norfleet does not teach one skilled in the art to raise the entire panel from the doors so the image is more presentable and in advertising, image is everything.

Since claims 9 and 10 further restrict the already patentable claim 2 as amended, they are patentable over Norfleet as well. Furthermore, since the newly added claims 21 and 22 are simply claim 3 with the further restrictions found in original claims 9 and 10, applicant supports the new claims with the same arguments.

Claim 15 goes as far as requiring the panels to be "substantially parallel with the rear doors". As described above, Norfleet actually teaches away from making the panels substantially parallel with the doors. Norfleet teaches against such a design by instructing one skilled in the art to raise one side of the panel, but not the other.

Claim Rejections under 35 USC § 103

Examiner objected to claims 2 and 20 as being unpatentable over Norfleet under 35 USC §103. As discussed above, the amended claim 2 provides an innovative solution to the numerous

drawbacks found in the Norfleet design. The further restricted claim 20 includes a nonobvious improvement to Norfleet for all the reasons argued for claim 2. Norfleet does not anticipate applicant's simpler, cheaper, quieter panel design and even teaches against the unitary display.

Examiner also objected to claims 5, 6, and 13 as being unpatentable over Norfleet in view of Poutney. Claims 6 and 13 have already been cancelled.

As for claim 5, Norfleet did not make it obvious to one skilled in the art that the spacer strips in Norfleet could be replaced by a series of cylindrical spacers. Norfleet actually teaches against such a substitution by discussing the necessity of using spacer strips to keep the top and bottom edges of the frame parallel throughout. Applicant's invention does not even require linear placement of the spacers that would reproduce a spacer strip. The spacers can be arranged in any suitable manner including, but not limited to triangles and circles.

Applicant's claim 5 is also different than Poutney in that Poutney teaches an entirely different, much more complex, fastener. According to Poutney Figures 6A, 6B, and 6C, screw 8 does not go all the way through spacer 8. According to applicant's Figure 2, bolt 22 goes all the way through spacer 24 and all the way through door 16 where it is attached to nut 25. According to Poutney's Figure 5, Poutney's fastener requires a screw 8, a hollow crew 7, a spacer 6, and another screw 23. A four part fastener where three of the parts require threading does not suggest a three part fastener where only two of the parts require threading. Poutney requires an operator to perform two screwing steps while applicant only requires one. Applicant's fastener even allows for an additional embodiment where the nut is located inside the door and thus even easier to assemble.

Examiner also objected to claim 8 as being unpatentable over Norfleet in view of Rumbarger. Claim 8 has been amended to add a further restriction that the display be unitary. While Rumbarger does teach the placement of an electronic sign on a vehicle, it does not teach

how to attach two electronic signs across the back door of such a vehicle to create a unitary display.

Applicant's amended claim 18 also goes beyond that taught in Norfleet in that Norfleet doesn't teach a method where the display can move independently of the doors. When the display can move independently, the display can be brought closer to the locking mechanism than the Norfleet design and the shorter spacers along with the reduced stress from this shorter distance allows for smaller and lighter spacers and connectors. Smaller spacers with less stress will reduce the cost of the assembly as well as maintenance costs of the assembly.

Similarly, applicant's amended claim 19 is also an improvement over Norfleet because the cut-out region allows smaller spacers and connectors as well.

CONCLUSION

Petitioner has shown a prima facie case of proprietary interest and has shown several reasons why the various amended claims are significant improvements over the Norfleet design even in light of Poutney and Rumbarger. Therefore, petitioner respectfully requests a reconsideration of petition under 37 CFR §1.47(b).



Annotated Marked-up Drawings

